

## LEGISLATIVE BILL 404

Approved by the Governor May 26, 2003

Introduced by Speaker Bromm, 23; at the request of the Governor

AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2003-04 and FY2004-05; to define terms; to provide an operative date; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

## Section 1. APPROPRIATION LANGUAGE.

There is hereby appropriated, for FY2003-04 and FY2004-05, the sums specified in this act, or so much as may be necessary, for the salaries and benefits of officers of the Nebraska state government.

## Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

For purposes of this act, FY2003-04 means the period beginning July 1, 2003, and ending June 30, 2004, and FY2004-05 means the period beginning July 1, 2004, and ending June 30, 2005.

## Sec. 3. REAPPROPRIATION OF BALANCE, FY2003-04 to FY2004-05.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2004, for FY2004-05 to the respective agencies, programs, and funds in this act.

## Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Accounting System Manual, and any amendments thereto, on file with the Clerk of the Legislature are hereby adopted by the Legislature as the definitions for this act, except as provided in section 22 of this act.

## Sec. 5. DRAWING AND PAYING WARRANTS.

The Director of Administrative Services shall draw warrants upon the proper fund in the state treasury for an amount not to exceed the appropriations set forth in this act upon presentation of proper documentation. The State Treasurer shall pay the warrants out of the appropriate funds.

## Sec. 6. AGENCY NO. 5 -- SUPREME COURT

Program No. 3 - Supreme Court Judges' Salaries

	FY2003-04	FY2004-05
GENERAL FUND	946,856	955,271
PROGRAM TOTAL	946,856	955,271
SALARY LIMIT	834,933	834,933

## Sec. 7. AGENCY NO. 5 -- SUPREME COURT

Program No. 4 - Court of Appeals Judges' Salaries

	FY2003-04	FY2004-05
GENERAL FUND	778,736	786,461
PROGRAM TOTAL	778,736	786,461
SALARY LIMIT	679,874	679,874

## Sec. 8. AGENCY NO. 5 --- SUPREME COURT

Program No. 5 - Retired Judges' Salaries

	FY2003-04	FY2004-05
GENERAL FUND	25,000	25,000
PROGRAM TOTAL	25,000	25,000
SALARY LIMIT	25,000	25,000

The budget division of the Department of Administrative Services is hereby authorized to transfer General Fund appropriations among Programs 3, 4, 5, 6, and 7 within Agency 5, upon written certification by the State Court Administrator that excess appropriations are available and are necessary to pay retired judges' salaries or are necessary to adjust for program shortfalls in Agency 5, Programs 3, 4, 6, and 7. The Salary Limit for Agency 5, Program 5, may be administratively increased for any transfers made to Program 5 pursuant to this section.

## Sec. 9. AGENCY NO. 5 -- SUPREME COURT

Program No. 6 - District and Juvenile Court Judges' Salaries

	FY2003-04	FY2004-05
GENERAL FUND	8,174,010	8,254,112
PROGRAM TOTAL	8,174,010	8,254,112
SALARY LIMIT	7,171,470	7,171,470

## Sec. 10. AGENCY NO. 5 -- SUPREME COURT

Program No. 7 - County Court Judges' Salaries

	FY2003-04	FY2004-05
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GENERAL FUND	7,149,957	7,217,530
PROGRAM TOTAL	7,149,957	7,217,530
SALARY LIMIT	6,333,556	6,333,556

## Sec. 11. AGENCY NO. 7 -- GOVERNOR

## Program No. 2 - Salary - Governor

	FY2003-04	FY2004-05
GENERAL FUND	109,453	111,070
PROGRAM TOTAL	109,453	111,070
SALARY LIMIT	85,000	85,000

## Sec. 12. AGENCY NO. 8 -- LIEUTENANT GOVERNOR

## Program No. 8 - Salary - Lieutenant Governor

	FY2003-04	FY2004-05
GENERAL FUND	81,133	82,828
PROGRAM TOTAL	81,133	82,828
SALARY LIMIT	60,000	60,000

## Sec. 13. AGENCY NO. 9 -- SECRETARY OF STATE

## Program No. 9 - Salary - Secretary of State

	FY2003-04	FY2004-05
GENERAL FUND	82,055	83,154
PROGRAM TOTAL	82,055	83,154
SALARY LIMIT	65,000	65,000

## Sec. 14. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS

## Program No. 10 - Salary - Auditor

	FY2003-04	FY2004-05
GENERAL FUND	80,002	81,619
PROGRAM TOTAL	80,002	81,619
SALARY LIMIT	60,000	60,000

## Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL

## Program No. 11 - Attorney General's Salary

	FY2003-04	FY2004-05
GENERAL FUND	99,806	101,926
PROGRAM TOTAL	99,806	101,926
SALARY LIMIT	75,000	75,000

## Sec. 16. AGENCY NO. 12 -- STATE TREASURER

## Program No. 12 - Salary - State Treasurer

	FY2003-04	FY2004-05
GENERAL FUND	76,810	77,924
PROGRAM TOTAL	76,810	77,924
SALARY LIMIT	60,000	60,000

## Sec. 17. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION

## Program No. 14 - Salaries of Public Service Commissioners

	FY2003-04	FY2004-05
GENERAL FUND	324,222	329,371
PROGRAM TOTAL	324,222	329,371
SALARY LIMIT	250,000	250,000

## Sec. 18. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF PAROLE

## Program No. 320 - Board of Parole Salaries

	FY2003-04	FY2004-05
GENERAL FUND	398,434	409,706
PROGRAM TOTAL	398,434	409,706
SALARY LIMIT	312,966	317,629

## Sec. 19. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

## Program No. 13 - Tax Commissioner

	FY2003-04	FY2004-05
GENERAL FUND	109,282	111,241
PROGRAM TOTAL	109,282	111,241
SALARY LIMIT	91,155	92,514

It is the intent of the Legislature that if the appropriation or the salary limit is insufficient in this program to meet anticipated expenditures, the Tax Commissioner shall request additional funds or a higher salary limit, or both, from the Legislature by the usual deficit process. The appropriation or the salary limit shall not be administratively increased solely by the Department of Administrative Services without legislative authorization.

## Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION COURT

## Program No. 526 - Judges' Salaries

	FY2003-04	FY2004-05
CASH FUND	880,316	888,370
PROGRAM TOTAL	880,316	888,370
SALARY LIMIT	772,312	772,312

## Sec. 21. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION COURT

## Program No. 635 - Retired and Acting Judges' Salaries

	FY2003-04	FY2004-05
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CASH FUND	55,267	55,267
PROGRAM TOTAL	55,267	55,267
SALARY LIMIT	51,339	51,339

Sec. 22. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

(1) As used in this act:

(a) SALARY LIMIT means total expenditures for permanent and temporary salaries and per diems; and

(b) Total expenditures for permanent and temporary salaries and per diems means all remuneration paid to employees treated as taxable compensation by the Internal Revenue Service or subject to social security coverage, specifically including payments accounted for as vacation, holidays, sick leave, military leave, funeral leave, maternity leave, administrative leave, compensatory time, deferred compensation, or any other similar form, and amounts withheld pursuant to law, but excluding state contributions for social security, retirement, and employee insurance plans.

(2) Total expenditures for permanent and temporary salaries and per diems are limited to the amount provided by law for constitutional officers.

(3) The limitation on expenditures for permanent and temporary salaries and per diems for FY2004-05 shall be increased by amounts encumbered from FY2003-04 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

Sec. 23. This act becomes operative on July 1, 2003.

Sec. 24. Since an emergency exists, this act takes effect when passed and approved according to law.